

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, *et al.*,

Plaintiffs,

v.

DALE FOLWELL, in his official capacity as
State Treasurer of North Carolina, *et al.*,

Defendants.

Case No. 1:19-cv-00272-LCB-LPA

**JOINT MOTION FOR ENTRY OF STIPULATED
CONFIDENTIALITY AGREEMENT AND PROTECTIVE ORDER**

The Parties, through the undersigned counsel, respectfully move this Court, pursuant to Federal Rules of Civil Procedure 7(b) and 26(c) and Local Civil Rule 26.2, for entry of the Stipulated Protective Order (“Protective Order”), attached hereto as Exhibit A, limiting the use and disposition of certain information produced, obtained, or exhibited in the above-captioned action, including particularly sensitive and highly personal information of individuals identified or disclosed by the Parties.

Through this proposed Protective Order, the Parties¹ seek to limit the use of information and documents to maintain the confidentiality of highly personal and

¹ Defendant North Carolina State Health Plan for Teachers and State Employees (“NCSHP”) is not currently a party to this Protective Order pursuant to its position that it is immune from suit. *See, e.g.*, ECF No. 50. The Parties reserve the right, however, to seek to add NCSHP as a party to the Protective Order should NCSHP participate in this litigation in the future.

sensitive information. This case involves, for example, information related to Plaintiffs' protected health and medical information. Recognizing the inherently sensitive nature of this kind of confidential information, the Parties have agreed to a procedure for handling such information as set forth in the Protective Order accompanying this motion. The Parties have agreed to limit the designation of documents and information as confidential information under the Protective Order based on a good faith belief that the documents and information are appropriate for such designation under Federal Rule 26(c) or for reasons identified within the Protective Order.

The Fourth Circuit has affirmed that protective orders shielding personal and sensitive information “encourage full disclosure of all relevant evidence in order to ‘secure the just, speedy, and inexpensive determination’ of civil disputes.” *In re Grand Jury Subpoena*, 836 F.2d 1468, 1472 (4th Cir. 1988) (quoting Fed. R. Civ. P. 1). “Absent such orders, witnesses would be deterred from providing essential testimony in civil litigation, thus undermining the adversary process.” *Id.* at 1472. The Parties accordingly move this Court to exercise its broad discretion in controlling discovery by entering the accompanying proposed Protective Order.

Dated: January 19, 2021

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*Appearing by special appearance pursuant to L.R. 83.1(d)

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

Dated: January 19, 2021

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